

The Effects of OAA on Community Custody Violations



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TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
ACKNOWLEDGEMENTS	6
THE PROBLEM.....	7
WHAT OTHER STATES HAVE DONE	9
OFFENDER ACCOUNTABILITY IN WASHINGTON STATE	13
METHODS	17
FINDINGS	21
ANALYSIS	32
WORKS CITED	34
APPENDIX	36

EXECUTIVE SUMMARY

The 1980s spawned a “get tough on crime” attitude. Lawmaker’s responses to this filled jails and prisons to capacity with offenders doing their “time.” The response also included a tougher stance on offenders with a community sentence. More offenders were being sent to jail and prison for revocation of a community sentence or for violating community supervision conditions.

Many states found the number of violator admissions had increased dramatically and now over half of their jail and prison populations were composed of these violators. In efforts to deal with this growing population, alternatives to confinement sanctions were instituted in many areas.

With the implementation of the Offender Accountability Act of 1999 (OAA), the Washington State Department of Corrections (DOC) changed how it supervised its offenders. Offenders under community supervision are now supervised according to their risk to the community and harm done, rather than by the crime they committed. DOC not only supervises offenders on community supervision, but took on the added responsibility of their adjudication. Confinement alternatives, such as graduated sanctions, are strongly employed.

To determine what effect, if any, the policy and procedural changes under OAA had on DOC’s violation process, a comparison was done on pre- and post-OAA populations. Study results show OAA has had an effect on the violation process. After OAA, DOC staff issued more stipulated agreements and fewer violation reports, indicating greater use of graduated sanctions. Violation reports that were issued and subsequently resulted in a guilty finding dealt with slightly different non-compliant behaviors than before. DOC was able to respond to non-compliant behavior in a more timely manner. A decrease in the number of sanction confinement days issued was realized.

The overall reoffense rate did not differ between the two populations. However, the offenders in the post-OAA population who received a violation report with a guilty finding were more likely to have reoffended supporting the notion that DOC is directing their attention toward the offenders who deserve it.

The Offender Accountability Act has given DOC the tools and latitude to convey a greater sense of certainty, severity and celerity regarding the consequences of offender non-compliant behavior - all of which are necessary tenets in deterrence.

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THE PROBLEM

In response to the “get tough on crime” attitude of the 1980s, prisons quickly filled to capacity and jails filled up with offenders waiting to get into prison (Rhine, 1993). In addition to offenders with new convictions, prisons and jails are increasingly housing offenders who were sanctioned to revocation of their community sentence or to confinement time for violating their community supervision conditions. The Bureau of Justice Statistics (BJS) (2000) cited the number of inmates in custody in 1990 at 1,148,702, which grew to 1,890,837 by 1999, an increase of approximately 65 percent over the ten-year period. The BJS also reported that part of the underlying growth in prison totals during this time was due to the increase in the number of parole violators. Between 1990 and 1998, parole violators increased by 54 percent. Of this amount, 19 percent had absconded or failed to report to a parole officer, 14 percent had a drug-related violation and 14 percent had violations such as possession of a gun, failure to pay fines or failure to secure employment. Note that these violation groups are not mutually exclusive; an offender could have received more than one violation per report. Collectively, these violations are considered technical violations. Data as of 1998 shows that technical violators and offenders convicted of a new offense (60 percent of violators) produced almost 40 percent of admissions to prisons (BJS, 2000). Probation and parole violators have become major contributors to prison and jail admissions. Many states believe that focusing on the numerous amounts of violators is the best way to deal with inmate overcrowding.

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Probationers have traditionally been required to follow standard conditions of supervision; however, states are requiring increasingly larger percentages of offenders to comply with “special conditions” (MacKenzie, Brown-ing, Skroban & Smith, 1999; Petersilia, 2002) and Washington is no exception.

In *Reforming Probation and Parole*, Patrick Langan's 1994 analysis on violators indicated that one-half of probationers did not comply with their court-ordered conditions (Petersilia, 2002). It is believed that offenders did not fear the consequences of non-compliant behavior because they were inconsistent. Corrections authorities needed to find a way to reduce prison admissions yet still maintain authority over offenders who violate their community supervision conditions. Violation sanctions that do not rely heavily on incarceration are considered confinement alternatives and many states have instituted the use of confinement alternatives, which include intermediate sanctions and graduated sanctions, as an option in dealing with community supervision violators. Intermediate sanctions are a collection of sanctions on a continuum from no action up to confinement in prison or jail. Graduated sanctions put confinement time or other sanction types in a stair-step fashion, starting at lower

Taxman, Soule & Gelb (1999) believe the use of graduated sanctions offer immediate and certain responses to noncompliant behavior.

ranking sanctions and working upward to more severe sanctions as driven by an offender's repetitive violation behavior. Each step gives the offender an opportunity to correct the violating behavior before a stiffer sanction is issued. Taxman, Soule & Gelb (1999) believe the use of graduated sanctions offer immediate and certain responses to noncompliant behavior.

WHAT OTHER STATES HAVE DONE

Oregon

Many Oregon counties participate in the Drug Reduction on Probation (DROP) Program (Parent, 1993; Taxman et al., 1999; Petersilia, 2002). This program provides swift and certain sanctions for offenders who submit a positive drug urinalysis. Every probationer who submits a positive urinalysis (UA) gets 2-3 days in jail. As the number of positive UAs increase, so do the days in jail; a second violation gets one week, a third gets 30 days, on up to one year in jail. Oregon officials say the first and second violations are common, but third violations have dropped dramatically, and the “total number of days in jail needed to confine drug-using probationers has dropped” in participating counties (Parent, 1993).

Delaware

Analysis of Delaware’s community supervision violations showed that technical violations equaled 60 percent of all violations issued (Petersilia, 2002). Instead of putting violators in jail or prison, Delaware’s Department of Corrections had two Violation of Probation Centers (VPC) constructed to house technical violators, an intermediate step between community supervision and incarceration. Once sanctioned, violators are transferred to a VPC as soon as possible to start their time. The first violation can receive up to seven days in the center, the second up to fourteen days and repeat violators can get up to 30 days. There is no limit to the number of sanctions a violator can serve in the center. There is a bootcamp atmosphere within the center; rules are strict and discipline is given without exception.

South Carolina

South Carolina decided to deal with their violators by setting community supervision revocation guidelines to be proportionate to the severity of the violation and applying them uniformly (Parent, 1993). Offenders are categorized by the severity of their violation and their risk score. The guidelines offer a range of sanctions in a variety of categories. Although the guidelines were not intended to reduce prison admissions, South Carolina has seen an overall decrease in admissions and offender prison populations since the guidelines were instituted.

Missouri

In Missouri, the Planning, Research and Evaluation Unit of the Department of Corrections (DOC) examined ten years of prison admissions and found that almost 40 percent were probation/parole revocations (Herman, 1993). Over half of those were due to technical violations. As a way to deal with these violators, changes were made that allowed DOC “to manage violators in a responsible and consistent manner, while providing appropriate supervision strategies.” (Herman, 1993). The strategies include determining level of supervision through offender risk and needs assessment, electronic monitoring, residential treatment facilities and incarceration. The treatment facilities include a special violator center where technical violators can spend sanction time and get any needed treatment, instead of returning to prison. DOC reserves incarceration as a sanction of last resort.

Georgia

After participating in a National Institute of Corrections project on responses to violation behavior, Georgia followed project recommendations for a system of graduated sanctions to deal with their increasing violation population (Prevost, Rhine & Jackson, 1993). Within the graduated system are informal and formal sanctions. Informal sanctions include letters of reprimand, increased reporting, increased drug testing and curfews, are tried first. If unsuccessful, formal sanctions, such as short periods of time in jail or preliminary revocation hearings, are used. Jails don't always have available space so the use of electronic monitoring and a Parole Violator's Unit have been instituted. Electronic monitoring is used mostly for repeat violators, while violators with drug issues get sanctioned to the Parole Violator's Unit when informal sanctions have been exhausted. The unit, like Delaware's violator unit, has a boot camp atmosphere and offers drug treatment, which enables Georgia corrections staff to enforce sanctions for positive UA violations without relying upon the availability of jail beds.

Mississippi

After reviewing Fiscal Year 1991 data, Mississippi found the number of offenders who received technical violations had climbed to 62 percent, 51 percent of whom were drug offenders (Grubbs, 1993). Mississippi started two programs, the Drug Identification Program and the Drug Treatment Program, in an attempt to deal with this large segment of their violators. The Drug Identification Program offers intensive supervision for offenders who exhibit behavioral problems related to drug abuse and provides community program referrals, compliance monitoring via UAs and counseling services. The Drug Treatment Program was created to deal with the lack of inexpensive

treatment services available to the ever-increasing volume of Drug Identification Program participants. For non-drug violators, Mississippi provides a 90-day boot camp and restitution centers.

All of these programs have achieved some level of success in dealing with the increasing number of violators in jail and prison. Not only are these states reducing their admissions and prison populations, but, according to Petersilia (2002), “experts believe that states with ‘intermediate’ (non prison) options for responding to less serious probation/parole violations are able to reduce new commitments to prison.”

OFFENDER ACCOUNTABILITY IN WASHINGTON STATE

Jurisdiction and Authority

When individuals are convicted by a Washington State Superior Court, part of their sentence may require field supervision by the Department of Corrections (DOC) for a specified period of time. This period of field supervision is a time when, although the offender is allowed to live more or less freely in the community, they have certain restrictions or requirements placed on their behavior, formally referred to as “conditions of supervision.”

Offenders in Washington may have special conditions ordered by the court at sentencing, like “participation and completion of chemical dependency treatment,” in addition to the standard conditions such as “reporting to the offender’s community correction officer on a specified basis and/or as directed.” Behavior that is non-compliant with any supervision condition is subject to violation. If an offender is found guilty of committing a violation, he/she receives a sanction of a specified period of jail or prison confinement or a non-confinement alternative, such as enhanced supervision.

DOC has, under the Sentencing Reform Act of 1981 (SRA), been responsible for documenting and reporting offenders’ violations by way of its community corrections officers (CCOs). The Superior Courts had the ultimate authority and responsibility for the adjudication and subsequent sanctioning of alleged violations for most offenders supervised in the field by DOC. Thus, authority of and responsibility for the violation and sanctioning process has been shared between DOC and the local Superior Courts.

With the implementation of the Offender Accountability Act of 1999, DOC became responsible for not only supervising offenders in the community, but also adjudicating their violation behavior.

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The Court still determines the length of community custody an offender must serve; however, DOC now has jurisdiction over most offenders on community custody and may establish and modify additional supervision conditions.

Violations

Policy and procedural differences exist between sanctioning authorities in how non-compliant behaviors are perceived and responded to. Local differences in enforcement versus tolerance, as well as specific sanction responses, are perceived by many to potentially influence not only an offender's likelihood of violating but also the CCO's view of potential response to the behavior. For example, in a DOC study on absconders under SRA, researchers found each of the surveyed field offices seemed to take a different approach as to how and when to determine the behavior a violation (Holm & Jetzer, 2000). One office mailed a letter to the offender indicating the next report date, while another office used the level of danger the offender posed to the community as a determinant in how quickly violation-reporting action was taken. Policy changes within the OAA assist in reducing such response inconsistencies.

Although reported violations are a major indicator of supervision non-compliance, caution must be exercised. The types and quantities of violations reported are influenced by a myriad of factors. The supervision conditions assigned to or imposed on an offender will influence the potential violations. Certain violations are only possible when an offender is under particular supervision conditions, and the more conditions by which an offender has to abide, the greater the probability of receiving a violation.

OAA, offenders are now classified according to risk to reoffend and harm done.

A major factor influencing violation reporting is community custody classification. Prior to OAA, offenders on community custody were classified by sentence type, sentence conditions, and/or sentencing authority. Under OAA, offenders are now classified according to risk to reoffend and harm done. There are fewer risk classification levels than before, and the greater the risk to reoffend or harm done, the higher the assigned level. The offenders with the higher assigned levels are viewed as more dangerous to the community, receive more supervision conditions and are subject to more intense monitoring of behavior. Violations committed by such offenders are bound to be noticed and acted upon quickly.

The frequency and extent of monitoring are influencing factors that can increase the likelihood of violation detection. An offender who is required to report twice a month to a community corrections office is at greater risk for a reported violation, such as a positive urinalysis result, than an offender who is required to report just once per month to an electronic check-in.

Another influencing factor is the ease of detection of an offender's violation, which can vary by the nature of the violation in question and the extent to which effective monitoring strategies have been developed. For example, the nature of reporting to a CCO makes failing to report easy to detect. Technology has aided the availability and routine use of urinalysis monitoring, thereby making illegal drug use relatively easy for corrections agencies and other entities to detect.

Sanctions

Traditionally, the major purpose of sanctions has been to deliver punitive consequences corresponding to non-compliant behavior, usually with the use of confinement time. With the use of stipulated agreements, the OAA takes a targeted intervention approach by incorporating intermediate and graduated sanctions into policy.

Intermediate sanctions are directed at areas of need, such as “chemical dependency evaluation and follow up” or “enhanced supervision,” as an attempt to rebuff an offender’s future desire/need to violate or re-offend.

When a stipulated agreement is issued, the Offender Behavior Response Guide (Appendix) is used to calculate a sanction. In these cases, the CCO calculates a violation response score by adding points associated to (1) the offender’s risk classification level, (2) the number of violations incurred and (3) the condition that was violated. The violation response score correlates to the response score range, thereby assisting the CCO in handing out appropriate sanctions. The lower the violation response score, the more intermediate sanctions are suggested. Intermediate sanctions are directed at areas of need, such as “chemical dependency evaluation and follow up” or “enhanced supervision,” as an attempt to rebuff an offender’s future desire/need to violate or re-offend. The higher the score, the more partial and total confinement sanctions are suggested.

With the changes brought about by the implementation of OAA, it is reasonable to compare the outcomes before and after, and review any differences. This analysis searches to find if there was a change in:

- Use of stipulated agreements
- Timing and amount of violation reports issued
- Types of violation codes issued
- Types of sanctions issued
- Offender reoffense behavior

METHODS

The DOC's Offender Based Tracking System (OBTS) is the source from which all offender data used in this analysis originates, including but not limited to, any files maintained by Budget, Research, and Strategic Planning.

Population Selection

There are two populations selected for analysis, Court and DOC:

- The Court population includes 12,125 offenders whose date of offense lies between 7/1/98 and 6/30/99. These sentences were under the jurisdiction of the Court.
- The DOC population includes 12,540 offenders whose date of offense lies between 7/1/00 and 6/30/01. These sentences were under the jurisdiction of DOC.

Selected for analysis were Washington State offenders with felony sentences with a term of confinement of one year or less. Most offenders sentenced during the study dates to more than one year under OAA had not been released from prison, therefore prison sentences were excluded. It is likely that offenders may have more than one sentence. This analysis makes use of the sentence that allocated offenders into each population. It is entirely possible, however, for an offender to have a different sentence in both Court and DOC populations.

Population Demographics

Once data on the populations were gathered, characteristics of the offenders and of the offenses were obtained from a series of data files maintained by DOC's Budget, Research, and Strategic Planning. The demographics of the two populations were compared to assure that any differences realized were due to changes in policy and process and not due to

population differences. Data elements that are offender-specific include race, gender and age at offense. Elements that are offense-specific are county of conviction and crime.

It is important to note that the populations being used in this study are not representative of the community corrections population as a whole. All study sentences in the populations are one year or less in length. The majority of offenders were sentenced within twelve months of their offense date. Both of these factors contribute to there being fewer serious or violent crimes in these populations than would be present if prison sentences were included.

Violations and Sanctions

Violation data is recorded in OBTS in three distinct categories:

- **Stipulated agreements.** Stipulated agreements are used regardless of sanctioning authority. They are usually generated by the CCO when the violation is minimal or the risk is very low, the offender admits guilt and a confinement sanction is not sought. Stipulated agreements are looked upon as the first formal course of action against an offender who violates a condition.
- **Court-sanctioned violations.** Violation reports with a guilty finding where the Superior Court was the adjudicating and sanctioning authority.
- **DOC-sanctioned violations.** Violation reports with a guilty finding where DOC was the adjudicating and sanctioning authority.

As OBTS only records violation reports with a guilty finding, it will be assumed any mention of violation reports will refer to only violation reports with a guilty finding.

Precautions were taken to deal with many challenges in working with violation data. Offenders can have multiple sentences and when they commit a violation it may be applicable to more than one sentence, or cause.

Stipulated agreements and Court-sanctioned violations are cause-specific. This means if the offender violated a condition related to four current causes, violation data would be entered separately for each of the four causes. The process of choosing a violation report date related to the cause of interest was simple; it merely required matching the cause of interest to the cause related to the violation report.

DOC-sanctioned violations, on the other hand, are not cause-specific. Violation data is entered only once regardless to how many sentences it may apply. As a way to deal with the challenge of singling out the applicable violation report date, any violations that occurred prior to the sentence date of interest were deleted and then the closest violation report date within fifteen months of the sentence date was chosen. Since offenders can receive multiple violation reports at one time, any duplicate violation dates on that day (i.e. more than one violation report in one day) were deleted. This resulted in only one violation report per offender per population, the one that was the closest to the sentence date.

Another challenge associated with violation data is length of time between reported violation date and the date of the violation hearing. Alleged violations used to be entered into OBTS prior to hearings. Upon the decision rendered at the hearing, either a sanction was added or the violation was removed from OBTS. Although DOC has since changed this process, it is possible that some violations for which there had not been hearings were caught up in the analysis.

New Offenses

Offenders from each population were matched with data from OBTS to determine if a reoffense occurred. A reoffense is defined as a conviction of a subsequent felony or gross misdemeanor in Superior Court. Due to the timing of the DOC population selection, only two years of reoffense data is available for analysis.

Statistical Analysis

Statistical analyses were conducted using SAS software. The data are mostly in ordinal form, therefore nonparametric tests, such as the Wilcoxon Rank-Sum Test, Kendall's Tau-c and a Multiple Logistical Regression model, were used, in addition to descriptive statistics.

The Wilcoxon Rank-Sum Test is a test for comparing two independent populations. This test can determine if the population distributions are different but cannot indicate the reason for any difference. The Wilcoxon Rank-Sum Test was used to compare the probability distribution of the reoffender and non-reoffender population in regard to violation history.

Kendall's Tau-c is a test to measure association of ordinal variables. The output is within a range of -1.0 to 1.0, indicating a negative or positive association, respectively. This test was used to measure association between the level of violation history and reoffense outcome.

The Multiple Logistic Regression model was used to produce Odds Ratio Estimates. These estimates indicate the odds of an event occurring for group "A" to the odds of the same event occurring for group "B". Odds Ratio Estimates were used to determine the likelihood of a behavior outcome leading to reoffense outcome and of demographic variables leading to a violation report.

FINDINGS

Comparing and Describing Populations

Analysis of offender characteristics shows that both Court and DOC population demographics are alike.

CHART 1
GENDER

Approximately 80 percent of each population were males.

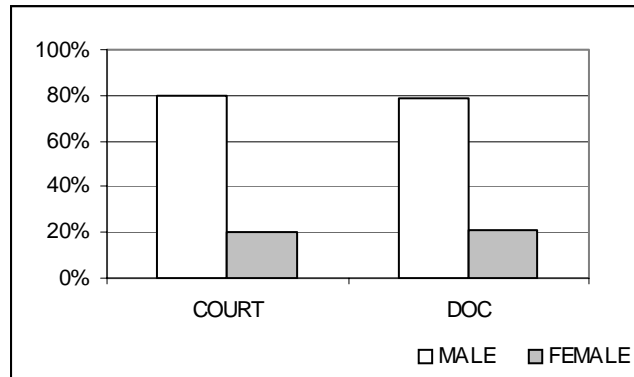


CHART 2
RACE

The racial distribution was 80 percent white, 13 percent black and 7 percent other for both groups.

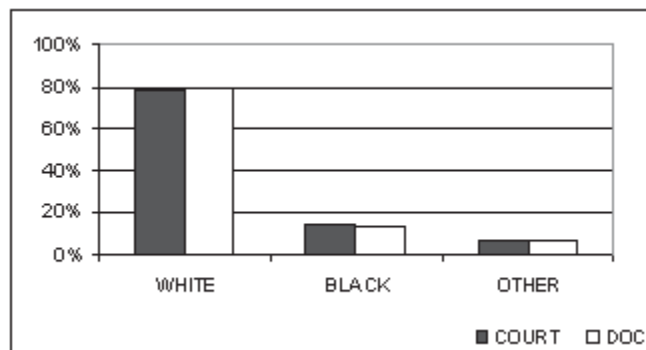


CHART 3
AGE AT OFFENSE

Offenders who were under the age of 35 at the time of the offense made up about 70 percent of each population.

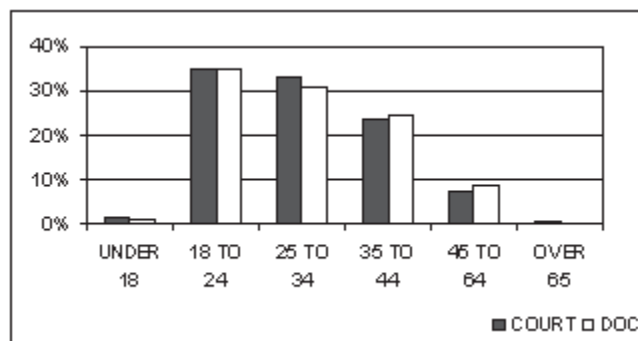
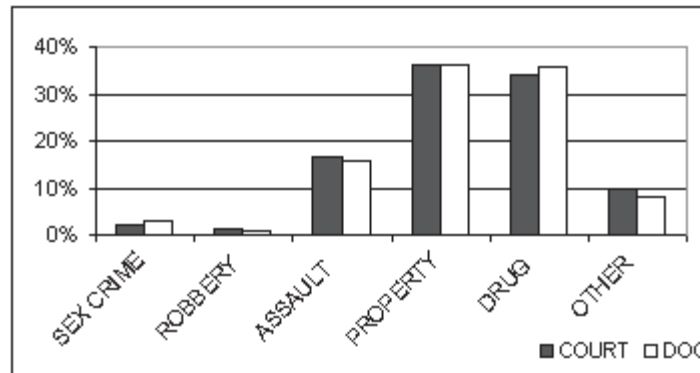


CHART 4
OFFENSE CRIME
TYPE

About 70 percent of the offenses in both populations were either drug or property crimes.



Distribution of offenses by county of conviction (Table 1) is comparable for both populations. There is a small increase in the number of Pierce County offenses from the Court to the DOC population. Many reasons could account for this increase. Without further analysis, it is impossible to determine if it is correlated to the implementation of OAA or merely a fluctuation in the yearly offender population.

The two populations are similar and we are confident that any differences are not attributed to population make-up.

Offenders in both populations were sentenced within 18 months of their offense date. All in all, the two populations are similar and we are confident that any differences are not attributed to population make-up.

TABLE 1
COUNTY OF CONVICTION

COUNTY	COURT		DOC	
	N	%	N	%
TOTAL	12125	100	12540	100
CLARK	845	7	837	7
KING	2220	18	2124	17
KITSAP	685	6	647	5
PIERCE	2139	18	2736	22
SNOHOMISH	690	6	740	6
SPOKANE	718	6	580	5
YAKIMA	730	6	646	5
OTHER	4098	34	4230	34

**Violation and Sanction
Code Characteristics**

It is possible for more than one type of non-compliant behavior to be dealt with per stipulated agreement or violation report hearing. In addition, it is not uncommon for more than one sanction to be imposed. Although there are numerous violation and sanction codes available, a few main codes are used most frequently. Over 75 percent of all the violation codes on stipulated agreements and violation reports are encapsulated within these six codes:

- Failure to Report/Escape
- Unapproved Resident/Employment Change
- Using Controlled Substance
- Non-participation in Treatment
- Failure to Pay Legal Financial Obligations (LFOs)
- Failure to Complete Community Service Hours

On stipulated agreements, over 85 percent of sanctions are encompassed within Daily Reporting, Enhance Supervision, Outpatient Treatment and Sessions.

As noted earlier, OBTS recording differs for stipulated agreements, court-sanctioned violations and DOC-sanctioned violations. This proved problematic in relation to sanction coding. There are numerous sanction codes available for stipulated agreements and DOC-sanctioned violations including confinement time. Court-sanctioned violations are limited to confinement time (y/n). For this reason, violation sanctions for Court and DOC populations are limited to confinement time (y/n).

Stipulated Agreements

Table 2 shows the distribution of the violation codes and Table 3 shows the distribution of the sanction codes associated with stipulated agreements. It is believed that this number understates the true number of stipulated agreements by half. Unlike the historical violation report data that are often received by Hearings Officers prior to a new hearing, stipulated agreement data in OBTS often does not get a second review. Absent data can go unnoticed. There is no reason to believe, however, that the proportion of stipulated agreements entered into OBTS has changed over time, while the number has.

About 9 percent of the Court population had at least one stipulated agreement reported, whereas 17 percent of the DOC population had at least one reported. The average number of stipulated agreements reported per offender increased with the DOC population.

TABLE 2
STIPULATED AGREEMENT
VIOLATION DISTRIBUTION

VIOLATION CODES	Court		DOC	
	N	%	N	%
Total	2654	100	7524	100
Failure to Report*	315	12	1356	18
Using Controlled Substance	1400	53	2437	32
Failure to Pay LFOs	315	12	1191	16
Failure to Compl Comm Svc Hrs	99	4	202	3
Non-participation in Treatment	57	2	526	7
Other	468	18	1812	24
Total number of Stip Agreements	1538	100	3578	100
Individual Offenders with at least 1 Stipulated Agreement within 15 Mos of Sentence	1046	9	2107	17

*Escape violations are not dealt with via stipulated agreements

The distribution of violation codes differed between the populations. Issuance of violation code “Using Controlled Substance” was used over half of the time prior to OAA. Subsequent to OAA, with a greater emphasis on stipulated agreements, “Using Controlled Substance” continued to be a frequent violation but a wider range of non-compliant behavior was also dealt with by way of stipulated agreements.

Imposed sanction distribution between the two populations, as shown in Table 3, remained relatively consistent. The number of months it took offenders to receive their first stipulated agreement after their offense date averaged close to seven months for both populations. A noticeable difference was the average amount of confinement time issued. The Court population had an average of two days issued, while the DOC population had less than half a day of confinement time issued.

Violation Reports and Sanctions - Court Population

Forty-five percent of offenders in the Court population were found guilty of at least one violation on a Court-sanctioned violation report. Table 4 illustrates the demographics of this population's violators and non-violators. Violators were a little older, slightly more female and slightly more Black.

Court-sanctioned violators averaged almost six and one half month's time between their offense date and the date of their first violation report (Table 5). The most common violation code was "Failure to Report/Escape." Seventy percent of the violation reports had a confinement sanction. Because the Court had jurisdiction over these offenders, all confinement sanctions were spent in jail.

TABLE 3
STIPULATED AGREEMENT
SANCTION DISTRIBUTION

SANCTION CODES	Court		DOC	
	N	%	N	%
Total	2352	100	5684	100
Daily Reporting	126	5	228	4
Enhance Supervision	1024	44	2798	49
Outpatient Treatment	582	25	1364	24
Sessions	309	13	535	9
Other	311	13	759	13
Avg number of confinement days issued via Stipulated Agreement	1.9		0.3	

TABLE 4
VIOLATOR DEMOGRAPHICS
COURT

Of violators, 78 percent were White, 15 percent were Black and 7 percent were other. They were mostly males and under the age of 35.

	Guilty Violation	
	Yes	No
Male	79%	80%
Female	21%	20%
Age		
Under 18	1%	1%
18-24	34%	36%
25-34	34%	32%
35-44	25%	22%
45-64	6%	8%
Over 65	0%	0%
Race		
White	78%	80%
Black	15%	13%
Other	7%	7%

Due to the incapability of OBTS to capture court violation hearing dates, the date an offender started a jail confinement sanction was used as a proxy for the violation hearing date. Violators averaged 160 days between the reported date of a Court-sanctioned violation and the court violation hearing. The average sanction time was 46 days and average jail credit was 14 days.

Approximately 8 percent, or 450 offenders, received a stipulated agreement prior to receiving a Court-sanctioned violation report. Of those 450, an estimated 45 percent received the violation report within three months of receiving the stipulated agreement.

TABLE 5
VIOLATION REPORT
VIOLATION AND
SANCTION DISTRIBUTION

VIOLATION CODES	Court		DOC	
	N	%	N	%
Total	19631	100	18417	100
Failure to Report/Escape	5052	26	5914	32
Unappr Resident/Empl Change	1612	8	2065	11
Using Controlled Substance	2869	15	1382	8
Non-participation in Treatment	957	5	1572	9
Failure to Pay LFOs	4248	22	2778	15
Failure to Compl Comm Svc Hrs	1431	7	816	4
Other	3462	18	3890	21
Total Number of Violation Reports	7679	100	6584	100
Number of Reports w/Conf Sanc	5368	70	5839	89
Offenders with at least 1 Violation Report within 15 Mos of Sentence	5499	45	4017	32
Avg number of months from offense date to 1st violation	6.5		3.5	

Violation Reports and Sanctions - DOC Population

Of the DOC population 32 percent had at least one DOC-sanctioned violation report with a guilty finding. Table 6 shows that the group of DOC population violators tend to be a little older, slightly less female and more black.

On average, offenders received their first DOC-sanctioned violation report three and one-half months after their offense date. The most common violation code was “Failure to Report/Escape.” Approximately 89 percent of the violation reports had a confinement sanction issued. With DOC as the adjudicating authority, confinement sanctions were spent in jail or in prison, if jail beds are unavailable or the confinement time was greater than 60 days. Of those with confinement sanctions, approximately 11 percent were admitted to prison as community custody violators to spend sanction time. Other sanctions, which could have been used in conjunction with confinement, that were frequently used include “Chemical Dependency Evaluation and Follow-up” at 10 percent, “Increased Reporting” at 8 percent and “Day Reporting” at 4 percent.

TABLE 6
VIOLATION DEMOGRAPHICS
DOC

77 percent of the violators were White, 16 percent were Black and 7 percent were Other. Most violators were males and under the age of 35.

	Guilty Violation	
	Yes	No
Male	81 %	78 %
Female	19 %	22 %
Age		
Under 18	1 %	1 %
18-24	34 %	35 %
25-34	32 %	31 %
35-44	25 %	24 %
45-64	8 %	9 %
Over 65	0 %	0 %
Race		
White	77 %	81 %
Black	16 %	12 %
Other	7 %	7 %

The number of days from the date a DOC violation is committed to the violation hearing averaged 155 days. This time includes days an offender may have been unavailable to attend a hearing, like those who have absconded. Offenders received an average of 31 sanction days and 15 jail credit days, i.e. time spent in confinement prior to the violation hearing.

Approximately 11 percent, or 460, of the offenders who received a DOC violation report received a stipulated agreement prior to said violation report. About 47 percent of those received the violation report within three months of receiving a stipulated agreement.

Factors Predictive of Violation Behavior

Through the Logistic Regression model output, Odds Ratio Estimates were obtained to learn the likelihood of a variable predicting a specific outcome. Odds Ratio Estimates were applied to test the predictability of demographic variables on the presence or absence of a violation report. It was determined that Gender and Age were not factors in the Court population, that Age was not a factor in the DOC population, and Race was a factor in both populations.

- Court offenders who are white were .88 times as likely to have received a violation report than non-white offenders, holding gender constant.
- DOC offenders who are white were .80 times as likely to have received a violation report than non-white offenders, holding gender constant.
- DOC offenders who are male were 1.18 times as likely to have received a violation report than female offenders, holding race constant.

The violation demographic data implied that the offenders who received a Court-sanctioned violation report (Table 4) were not demographically different from those who received a DOC-sanctioned violation report (Table 6). However the statistical analysis indicates race and gender are predictors of who received a violation report in the DOC population while only race was a predictor in the Court population. The predictability of those variables increased from Court to DOC.

New Offenses

Offenders from each population were compared with OBTS data to determine if they had reoffended. Overall reoffense statistics appear consistent between the Court population and the DOC population (Table 7).

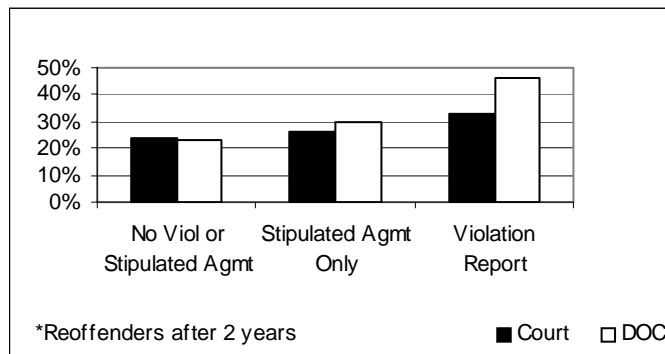
TABLE 7
REOFFENSES BY
OFFENDER

REOFFENSES BY OFFENDER	Court		DOC	
	N	%	N	%
Total Offenders	12125	100	12540	100
Total Reoffended after 1 yr	2133	18	2466	20
Total Reoffended after 2 yrs	1324	29	1335	30

Illustrated in Chart 5 are the percentages of population reoffenders after two years by violation behavior outcome. Of offenders who received a Court-sanctioned violation report, about 33 percent reoffended, whereas, about 45 percent of offenders with a DOC-sanctioned violation report reoffended.

Several statistical tests were run on this data (see Table 8). Wilcoxon Rank-Sum scores suggest whether two groups are identical in shape and location. The scores received for both Court and DOC populations indicate that the violation history of reoffenders and non-reoffenders within each population are not identical at a significant level, and is illustrated in Chart 5. What this means is that reoffenders had a different distribution of behavior outcomes than non-reoffenders.

CHART 5
REOFFENDERS BY
BEHAVIOR OUTCOME



Kendall's Tau-c was applied to determine the correlation between the behavior outcomes and a reoffense outcome. The behavior outcomes were ranked according to having received (1) no stipulated agreement or violation report, (2) only a stipulated agreement or (3) a violation report. The reoffense outcome was ranked as (1) reoffense = no and (2) There reoffense = yes.

TABLE 8
STATISTICAL
ANALYSIS DATA

	Court	DOC
Wilcoxon Two-Sample Test	<.0001*	<.0001*
Kendall's Tau-c	0.0955*	0.2261*
Odds Ratio Estimates		
Predictor of Reoffense: Stipulated Agreements	Not Sig	1.507*
Predictor of Reoffense: Violation Report	1.595*	3.002*

*Significant at .05 level

Both populations showed a mildly positive correlation (Court = .10 and DOC = .22 at a 95 percent Confidence Interval) between behavior outcomes and reoffense outcomes; as the level of behavior outcome increased the reoffense outcome also increased. In other words, if an offender had a more severe behavior outcome, like a violation report, the greater the correlation that the offender had reoffended.

Odd Ratios Estimates also tested the predictability of behavior outcomes on a reoffense outcome. Stipulated agreements were found not to be a reoffense factor in the Court population, at a significant level. Violations were a factor in both populations at a .05 significance level.

Predictor: Stipulated Agreement

- DOC offenders who received only a stipulated agreement were 1.51 times as likely to reoffend than offenders who did not, holding violation reports constant

Predictor: Violation Reports

- Court offenders who received a violation report were 1.60 times as likely to reoffend than offenders who did not.
- DOC offenders who received a violation report were 3 times as likely to reoffend than offenders who did not, holding stipulated agreements constant.

ANALYSIS

Through comparison of the Court population and the DOC populations, the effects of OAA can be seen in many ways.

The percentage of offenders who received a stipulated agreement nearly doubled from the Court population to the DOC population, while the percentage of offenders who received a violation report decreased.

Data indicate a change in the distribution of stipulated agreements and violation reports. The percentage of offenders who received a stipulated agreement nearly doubled from the Court population to the DOC population, while the percentage of offenders who received a violation report decreased. This may indicate that DOC personnel are using stipulated agreements to deal with early non-compliant behaviors and reserving the violation reports for more serious issues. Other data that reinforce this include a shift in the most frequent violation code issued from “Using Controlled Substances” to “Failure to Report” on violation reports, an increase in the percentage of offenders who received a stipulated agreement prior to receiving a violation report, and an increase in the percentage of confinement sanctions on violation reports.

Increased usage of stipulated agreements may also be effected by conditional releases. Conditional release is an option under OAA that allows Hearing Officers to release lower risk offenders from jail and address the violations out of custody, in formats like stipulated agreements. The inability of the county jails to hold DOC violators for any substantial length of time may have increased the use of conditional releases, and therefore, increased the use of stipulated agreements.

There are many indicators of a change in DOC staff response to non-compliant behavior. The time between offense and the first violation report was reduced by half from the Court population to the DOC population. Despite the decrease in the percentage of offenders not receiving any reprimand, it is reasonable to propose that the reduction in time is related to DOC’s change in risk classification system and policies increased their ability to respond to non-compliant behavior in a timelier manner than the Courts were able to. Not only were DOC staff reporting violations in a timely

The percentage of violation reports with confinement sanctions increased while the average number of confinement days decreased by about two week's time.

manner, but they reduced the number of days between the date of the violation report and the date of the hearing as well.

The percentage of violation reports with confinement sanctions increased while the average number of confinement days decreased by about two week's time. In a nutshell, fewer offenders under DOC jurisdiction received violation reports and the violation reports were issued more quickly. More of the violation reports resulted in confinement being imposed while the average confinement time declined.

Offenders with a high risk received more attention from CCOs and received more stringent reporting requirements; non-compliant behavior would be more probable and be noticed sooner.

Do these changes translate to a change in offender reoffense behavior? Analysis completed on reoffenders shows the policies and procedures of OAA have not largely effected the reoffense rate. Analysis on behavior outcomes, however, indicates that DOC offenders with a violation report were more likely to reoffend than Court offenders with the same. Community custody classification under OAA is distributed by risk to reoffend and harm done so one assumption is that offenders with a high risk received more attention from CCOs and received more stringent reporting requirements; non-compliant behavior would be more probable and be noticed sooner. Another assumption is that the violation process provided a red flag for offenders with a predilection to reoffend; exhibition of non-compliant behavior may be a precursor to reoffending.

Although causal effect cannot be determined within the scope of this study, the data indicate that OAA's effect has been mostly positive in regard to community safety. DOC is violating offenders more quickly than the Courts were able to, thus conveying a greater sense of certainty toward non-compliant behavior sanctions. The offenders who are being violated are more likely to be the ones who reoffend. DOC's attention is obviously focused in their direction.

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STATE OF DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS

Offender Accountability Plan Identifiers: <ul style="list-style-type: none"> Risk Management Classification Targeted Risk Factors 	Conditions of Community Custody Supervision: <ol style="list-style-type: none"> 1. Targeted Risk Conditions Identified in OAP 2. Other Court/DOC Prohibitions (i.e., SCOM/SCAP) 3. Other Court/DOC Requirements (i.e., maintain employment, maintain community service) 4. Reparation Conditions (i.e., restitution/community service) 	Offender Compliance With Conditions of Community Custody Supervision Self-Directed Improvement Areas of positive personal improvement, which are not covered by court or DOC, other. EXAMPLES: Vocational, technical or employment advancement, personal growth programs (Classes, pro-social hobbies, etc.)
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Risk Score RUM-5 RUM-4 RUM-2 RUM-1 Risk Score + Violation Process Score = Condition Score	Violation Process Score 1st=1 2nd=2 3rd=3 4th=4 etc. Violation Process Score + Condition Score = Response Score	Violation Response Score Response Score (per violation) Response Score Guide Response Score Range: 5-6, 7-8, 9-10, 11-12, 13-14+ Response Option Range: A, B, C, D, and E; F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18, F19, F20, F21, F22, F23, F24, F25, F26, F27, F28, F29, F30, F31, F32, F33, F34, F35, F36, F37, F38, F39, F40, F41, F42, F43, F44, F45, F46, F47, F48, F49, F50, F51, F52, F53, F54, F55, F56, F57, F58, F59, F60, F61, F62, F63, F64, F65, F66, F67, F68, F69, F70, F71, F72, F73, F74, F75, F76, F77, F78, F79, F80, F81, F82, F83, F84, F85, F86, F87, F88, F89, F90, F91, F92, F93, F94, F95, F96, F97, F98, F99, F100, F101, F102, F103, F104, F105, F106, F107, F108, F109, F110, F111, F112, F113, F114, F115, F116, F117, F118, F119, F120, F121, F122, 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